

**UNITED STATES BANKRUPTCY COURT**  
**Eastern District of California**

**NOTICE OF INCOMPLETE FILING AND NOTICE OF INTENT TO  
DISMISS CASE IF DOCUMENTS ARE NOT TIMELY FILED**

**In re**  
Magdaleno Herrera Martinez Virginia Dominguez Martinez  
  
**Debtor(s).**

**Case Number**  
  
**13-18094 – B – 13**

The petition filed on 12/30/13 by the above-named debtor and, if a joint case, the above-named joint debtor was not accompanied by all required documents.

**NOTICE IS HEREBY GIVEN** that the following documents are missing and must be filed, or one of the other options described below must be taken, by the date(s) indicated *(if two dates are shown, two separate deadlines are established for each of the options described below; each date must be timely satisfied as to the documents governed by that date)*.

**The following document(s) must be received by the bankruptcy clerk's office by 1/6/14:**

Statement of SSN – Form B21  
Verification and Master Address List

NOTE: Missing documents WILL NOT DELAY the sending of notices by the court. If "Verification and Master Address List" is listed above, the notice of meeting of creditors will be sent by the court to the debtor(s), the attorney for the debtor(s), if any, and the trustee ONLY. Thereafter, it will be the attorney for the debtor(s)'s, or the pro se debtor's responsibility to serve notice of the meeting of creditors that includes the debtor's and, if applicable, the joint debtor's FULL social security number(s) on all creditors, and to file with the court a proof of service indicating that service has been made, together with a REDACTED version of the notice, showing only the last four digits of the social security number(s).

If "Statement of SSN" is listed above, the attorney for the debtor(s) or the pro se debtor must provide notice of the debtor's and, if applicable, the joint debtor's FULL social security number(s) to the trustee and all creditors. A proof of service, indicating that service has been made, together with a REDACTED version of the notice, showing only the last four digits of the social security number(s), must be filed with the court.

**The following document(s) must be received by the bankruptcy clerk's office by 1/13/14:**

Chapter 13 Plan

For additional information concerning required documents see page 3.

**NOTICE IS FURTHER GIVEN** that the Court, without further notice, may dismiss this case unless the debtor does one of the following on or before the date specified above (if two dates are shown, the debtor must do the following on or before the earlier of the two dates):

1. **Files all missing documents** with the Clerk, U.S. Bankruptcy Court, at the address shown below; **OR**

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2. **Files a motion for an extension of time to file the missing documents** with the Clerk, U.S. Bankruptcy Court, at the address shown below. Pursuant to Federal Rule of Bankruptcy Procedure 9006(b)(1), motions for extensions of time must be filed prior to the expiration of the prescribed periods. Extensions of time to file schedules, statements, and other documents may be granted only on motion for cause shown and on notice to committees, the United States Trustee, trustee, examiner, and others as directed by the Court. See Fed. R. Bankr. P. 1007(c); **OR**
3. **Files a Notice of Hearing on the Court's Notice of Intent to Dismiss Case supported by a statement of the issue and evidence** with the Clerk, U.S. Bankruptcy Court at the address shown below, setting the hearing on **03/05/2014 at 01:30 PM at the U.S. Bankruptcy Court Bakersfield Federal Courthouse, 510 19th Street , Bakersfield , CA. Please consult the posted court calendar on the court's internet web site to verify the location of the hearing.** The Notice of Hearing and statement of the issue and evidence shall be served on the trustee, trustee's attorney, if any, all creditors, and other parties in interest. Proof of service, in the form of a certificate of service, shall be filed with the Clerk concurrently with the Notice of Hearing and statement of the issue and evidence, or not more than three (3) days thereafter.

**NOTICE IS FURTHER GIVEN** that on or before the date specified above, the trustee, a creditor, or other party in interest may file a Notice of Hearing on the Court's Notice of Intent to Dismiss Case to show cause why this case should not be dismissed with the Clerk, U.S. Bankruptcy Court, at the address shown below. The Notice of Hearing shall set the hearing for the same date, time, and location as indicated in option 3 above, and shall be supported by a statement of the issue and evidence. The Notice of Hearing and statement of the issue and evidence shall be served on the debtor, debtor's attorney, if any, the trustee, trustee's attorney, if any, all creditors, and other parties in interest. Proof of service, in the form of a certificate of service, shall be filed with the Clerk concurrently with the Notice of Hearing and statement of the issue and evidence, or not more than three (3) days thereafter.

*If no Notice of Hearing on the Court's Notice of Intent to Dismiss Case Is filed, no hearing will be calendared. **THEREFORE, YOU SHOULD NOT APPEAR AT THE DATE AND TIME INDICATED ABOVE UNLESS YOU FILED A NOTICE OF HEARING, OR UNLESS YOU ARE SERVED WITH A NOTICE OF HEARING FILED BY ANOTHER PARTY.***

**THIS IS THE ONLY NOTICE YOU WILL RECEIVE. Failure to timely file the missing documents, to timely seek an extension of time, or to timely file a Notice of Hearing on the Court's Notice of Intent to Dismiss Case may result in the automatic dismissal of this bankruptcy case without further notice.** If you have already complied with the above requirement(s), please disregard this notice.

Dated: 12/31/13

Wayne Blackwelder Clerk,  
 BY: svim , Deputy Clerk  
 U.S. Bankruptcy Court  
 Robert E. Coyle United States Courthouse  
 2500 Tulare Street, Suite 2501  
 Fresno, CA 93721-1318  
 (559) 499-5800

## ADDITIONAL INFORMATION CONCERNING REQUIRED DOCUMENTS

**Attorney's Disclosure Statement (Form B203):** Any attorney representing a debtor shall file with the court a statement of the compensation paid, or agreed to be paid, if such payment or agreement was made after one year before the date of the filing of the petition, for services rendered or to be rendered, in contemplation of or in connection with the debtor's bankruptcy case, and the source of the compensation. 11 U.S.C. sect; 329 or and FRBP 2016(b).

**Chapter 12 Plan:** Chapter 12 debtor's shall file a plan. 11 U.S.C. sect; 1221 and FRBP 3015(a).

**Chapter 13 Plan (Form EDC 3-080):** Chapter 13 debtors shall file a plan using the standard form Chapter 13 Plan (EDC Form 3-080) prescribed by General Order 05-03.

**Chapter 15 List per BR 1007:** A list containing the name and address of all administrators in foreign proceedings of the debtor, all parties to any litigation in which the debtor is a party and that is pending in the United States at the time of the filing of the petition, and all entities against whom provisional relief may be sought under 11 U.S.C. § 1519 shall be filed by the foreign representative with a petition for recognition under chapter 15. FRBP 1007(a)(4).

**Exhibit D w/Certificate for Debtor and Exhibit D w/Certificate for Joint Debtor (Exhibit D to Official Form 1):** Every individual debtor must file a statement of compliance with the credit counseling requirement, prepared as prescribed by Exhibit D to Official Form 1, attached to their petition. If a joint petition is filed, each spouse (the debtor and the joint debtor) must each complete and attach a separate Exhibit D. A certificate of credit counseling and debt repayment plan, or other additional required documents, shall be attached to Exhibit D, as directed. FRBP 1007(b)(3) & (c).

**List – 20 Largest Unsecured Creditors (Official Form 4):** A list containing the names, addresses and claim amounts of the debtor's 20 largest unsecured creditors, excluding insiders, prepared as prescribed by Official Form 4, shall be filed in cases under chapter 9 and chapter 11. FRBP 1007(d).

**List – Equity Security Holders:** A List of Equity Security Holders shall be filed in chapter 11 cases. FRBP 1007(a)(3).

**Verification and Master Address List:** With every petition for relief under the Bankruptcy Code presented for filing, there shall be submitted concurrently a Master Address List which includes the name, address, and zip code of all of the debtor's known creditors. To accommodate modern technology, the Master Address List shall be prepared in strict compliance with instructions of the Clerk in a format approved by the Court. Local Bankruptcy Rule 1007-1(b). Instructions concerning the preparation of Master Address Lists are set forth in forms EDC 2-190 and EDC 2-195. Debtors represented by legal counsel, or whose petitions are prepared by a bankruptcy petition preparer, must submit an electronic Master Address List. All other debtors must submit either an electronic Master Address List or a hard copy Master Address List printed on paper. The debtor shall concurrently submit a Verification of Master Address List, form EDC 2-100, with every Master Address List presented for filing.

**Means Test – Form 22A, Means Test – Form 22B, Means Test – Form 22C (Official Forms B22A, B22B, and B22C):** A statement of current monthly income, prepared as prescribed by the appropriate Official Form, shall be filed by individual chapter 7 debtors with primarily consumer debts (Official Form 22A), individual chapter 11 debtors (Official Form 22B), and chapter 13 debtors (Official Form 22C). 11 U.S.C. § 521(a)(1) and FRBP 1007(b)(4), (5), & (6).

**Schedule A – Real Property, Schedule B – Personal Property, Schedule C – Exempt Property, Schedule D – Secured Creditors, Schedule E – Unsecured Priority Creditor, Schedule F – Unsecured Nonpriority Creditor, Schedule G – Executory Contracts, Schedule H – Codebtors, Schedule I – Current Income, and Schedule J – Current Expend, Statistical Summary, Summary of Schedules (Official Form 6):** Except in a chapter 9 municipality case, schedules of assets and liabilities, executory contracts and unexpired leases, current income, and current expenditures, prepared as prescribed by Official Form 6, shall be filed by the debtor. 11 U.S.C. § 521(a)(1)(B) and FRBP 1007(b)(1). Creditors shall be listed on the appropriate schedule in alphabetical order by name and complete address. LBR 1007-1(a).

**Statement of Financial Affairs (Official Form 7):** Except in a case under chapter 9, the debtor shall file a Statement of Financial Affairs, prepared as prescribed by Official Form 7. 11 U.S.C. § 521(a)(1)(B) and FRBP 1007(b)(1).

**Statement of SSN (Official Form 21):** Individual debtors must file a statement under penalty of perjury setting out the debtor's full social security number or stating that the debtor does not have a social security number, prepared in substantial compliance with Official Form 21. 11 U.S.C. § 521(a)(1) FRBP 1007(f).

**Statement Re: Corporate Debtor (Form EDC 3-500):** Federal Rule of Bankruptcy Procedure 1007(a)(1) requires corporate debtors to file with the petition a corporate ownership statement containing the information described in FRBP 7007.1.